

To: The Honorable Mayor and City Council

From: Wisler Pierre-Louis, P.E., Interim Public Works Director



Date: April 22, 2014

RE: Dedication of Parcels to FDOT for right-turning lane on Biscayne and NE 151<sup>st</sup> St.

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**RECOMMENDATION**

Staff is recommending that the Mayor and City Council authorize the City Manager and City Attorney to do all things necessary to convey parcels of City owned property adjacent to northbound Biscayne Boulevard at the intersection with NE 151<sup>st</sup> Street to the Florida Department of Transportation (FDOT).

**BACKGROUND**

The intersection of Biscayne Boulevard and NE 151<sup>st</sup> Street is operating at a level of service "F," due to traffic going to Florida International University Biscayne Campus (FIU), David Lawrence K-8, Alonzo and Tracy Mourning High School and the Oaks at Biscayne Landing residential towers. Traffic at the intersection will only worsen with further planned activities and enrolment at FIU and the development of the Biscayne Landing property. In order to improve this intersection, various changes have been proposed including the creation of a dedicated right-turn only lane on northbound Biscayne Blvd at the approach to NE 151<sup>st</sup> Street. This improvement requires additional land as there is insufficient right-of-way to create this lane.

At the same time, the FDOT is in the process of rehabilitating and repaving Biscayne Blvd in 2014. The FDOT was able to design and incorporate into their plans the improvement of this intersection. If the City dedicated this land now, the FDOT will include this improvement in their final construction plans and will build the right turn lane at the same time as they repave the street, at their expense.

There are two parcels involved in this dedication but they are both at the same location, right next to each other. Exhibit "A" is a rough approximation of the parcels involved and shows the general location. Exhibit "B" shows the parcels involved in

greater detail. Parcel 100, shown in green, will be dedicated outright by fee-simple conveyance and Parcel 800 by perpetual easement. Parcel 100 is the closest to Biscayne Blvd, is approximately 600 feet long and encompasses 6,914 square feet. It begins just north of Biscayne Commons and continues to NE 151<sup>st</sup> Street. This parcel is where the actual roadway and sidewalk will be built and therefore requires a fee simple transfer to the FDOT. Parcel 800 (shown in yellow in Exhibit "B") is adjacent to Parcel 100 to the east and it is being conveyed as a permanent easement. This parcel will be used for the maintenance of drainage and to provide room for equipment such as loop detectors and control boxes to operate the intersection, to provide transitions to driveways, and access for maintenance.

In addition to the City of North Miami and FDOT, there are two other interested parties that will need to execute documents in order to make this transfer possible. Oleta Partners needs to sign a quitclaim deed and a partial release of mortgage by Ladder Capital Financial, LLC.

### **Attachments**

Resolution

Exhibits



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE DEDICATION OF TWO (2) ADJACENT CITY OWNED PARCELS OF LAND BY FEE SIMPLE CONVEYANCE AND BY PERPETUAL EASEMENT TO THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), ENCOMPASSING APPROXIMATELY TEN THOUSAND FIVE HUNDRED SIXTY-FIVE (10,565) SQUARE FEET, SITUATED ON THE NORTHBOUND LANES OF BISCAYNE BOULEVARD (A/K/A U.S. 1) AT THE INTERSECTION OF NORTHEAST 151<sup>ST</sup> STREET, TO WIDEN THE INTERSECTION FOR THE INSTALLATION OF A DEDICATED RIGHT-TURNING LANE AND TO PROVIDE MAINTENANCE OF THE DRAINAGE SLOPE; FURTHER AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO DO ALL THINGS NECESSARY INCLUDING THE EXECUTION OF ALL PERTINENT DOCUMENTS TO EFFECTUATE THE FEE SIMPLE CONVEYANCE AND THE PERPETUAL EASEMENT OF THE SUBJECT TWO (2) PARCELS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, the intersection of Biscayne Boulevard (a/k/a U.S. 1) and Northeast 151<sup>st</sup> Street is operating at a low level of service, and improvements are required to accommodate future development; and

**WHEREAS**, the Florida Department of Transportation ("FDOT") has programmed the repaving of Biscayne Boulevard near the subject intersection and has offered to design and pay for improvements to the intersection at the same time; and

**WHEREAS**, the FDOT is proposing a project on northbound Biscayne Boulevard at the intersection of 151<sup>st</sup> Street, to install a dedicated right-turning lane, maintain the drainage slope, and provide milling and resurfacing the area ("Project"); and

**WHEREAS**, to realize the Project, FDOT requires the conveyance and use of two (2) adjacent parcels of land owned by the City of North Miami ("City"), in accordance with Section 337.29, Florida Statutes (2013); and

**WHEREAS**, the first parcel of land, encompassing approximately six thousand nine hundred fourteen (6,914) square feet ("Parcel 100"), requires a fee simple conveyance to FDOT for the purpose of constructing the Project; and

**WHEREAS**, the second parcel of land, encompassing approximately three thousand six hundred fifty-one (3,651) square feet ("Parcel 800"), requires a perpetual easement in favor of FDOT for the purposes of constructing and maintaining the Project; and

**WHEREAS**, the dedication to FDOT of a fee simple conveyance and perpetual easement of Parcel 100 and Parcel 800, respectively, encompassing an approximate total of Ten Thousand Five Hundred Sixty-Five (10,565) square feet, is necessary if the City desires to achieve the Project; and

**WHEREAS**, to facilitate the realization of the Project, FDOT has delivered to the City a number of documents for execution, that are necessary to effectuate the conveyance of Parcel 100 and Parcel 800 (e.g., deeds, perpetual easement, license agreement, etc.); and

**WHEREAS**, the Mayor and City Council of the City of North Miami, find that the stated conveyance of Parcel 100 and Parcel 800 to establish and maintain the Project, would greatly benefit the public health, safety and welfare; and therefore, find such conveyance of City owned property to FDOT, to be in the best interest of the City.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AS FOLLOWS:**

**Section 1. Dedication of property to the Florida Department of Transportation.**

The Mayor and Council of the City of North Miami, Florida, hereby approve the dedication of two (2) adjacent City owned parcels of land by fee simple conveyance and by perpetual easement to the Florida Department of Transportation (FDOT), encompassing approximately ten thousand five hundred sixty-five (10,565) square feet, situated on the northbound lanes of Biscayne Boulevard (a/k/a U.S. 1) at the intersection of northeast 151<sup>st</sup> Street, to widen the intersection for the installation of a dedicated right-turning lane and to provide maintenance of the drainage slope, as depicted in the attached "Exhibit A".

**Section 2. Authority of City Manager and City Attorney.** The Mayor and Council of the City of North Miami, Florida, hereby authorize the City Manager and City Attorney to do all things necessary including the execution of all pertinent documents, to effectuate the fee simple conveyance and the perpetual easement of the subject two (2) parcels.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, this \_\_\_\_\_ day of April, 2014.

\_\_\_\_\_  
LUCIE M. TONDREAU  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

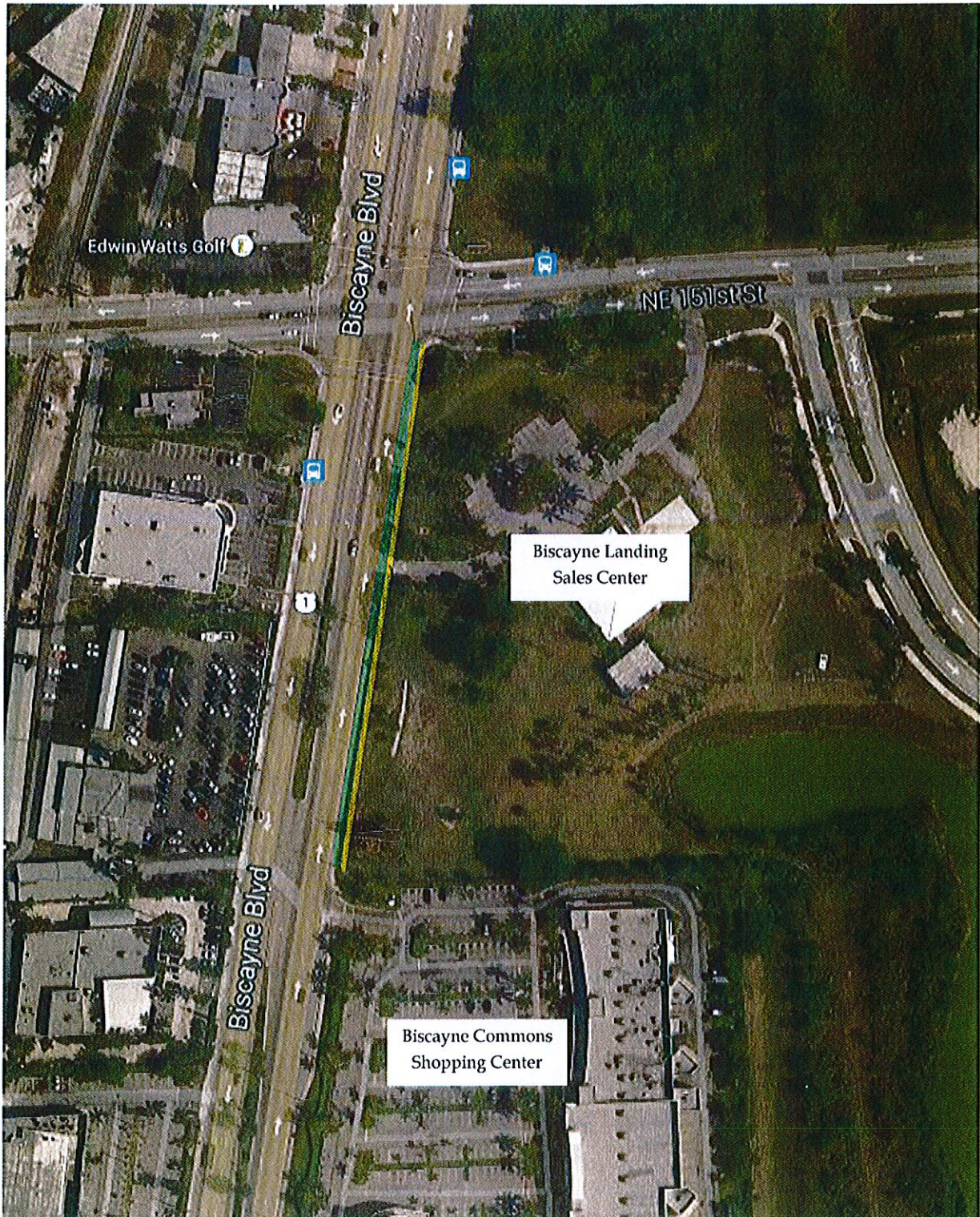
**Vote:**

Mayor Lucie M. Tondreau	_____ (Yes)	_____ (No)
Vice Mayor Philippe Bien-Aime	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Carol Keys, Esq.	_____ (Yes)	_____ (No)
Councilperson Marie Erlande Steril	_____ (Yes)	_____ (No)



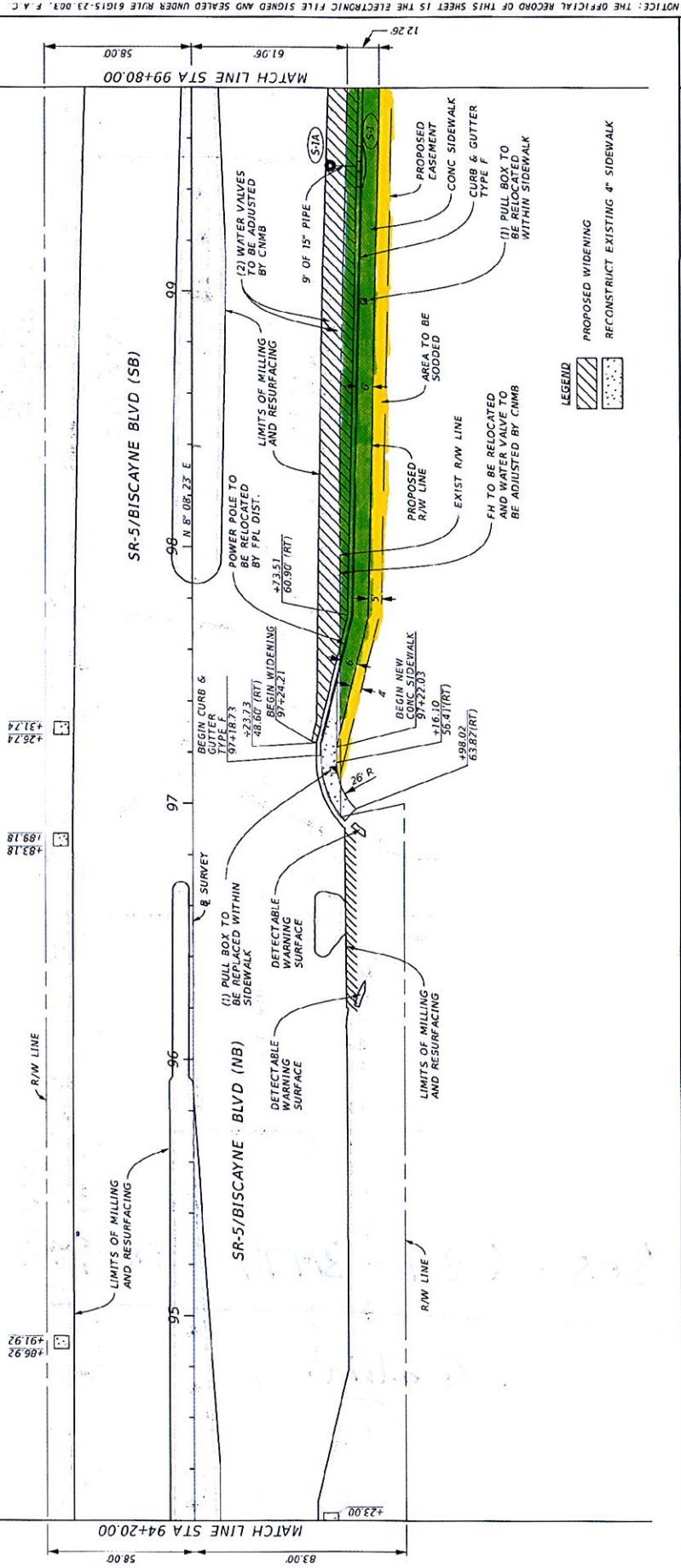
## Exhibit A

Approximate location of Parcels 100 and 800 combined





- = Right of Way Dedication (100%)
- = Perpetual Easement (800%)



REVIEWS		DESCRIPTION		DATE	
DATE	DESCRIPTION				

**R.J. Behar & Company, Inc.**  
Engineers • Planners  
6801 S.W. 158 AVENUE, SUITE 307  
POMEROY PARK, FL 33329  
JAMES R. BEHAR, P.E., F.A.S.T.  
CERTIFICATE OF AUTHORIZATION NO. 0003693

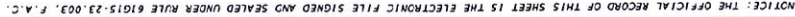
**STATE OF FLORIDA**  
**DEPARTMENT OF TRANSPORTATION**

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
5	MIAMI-DADE	4291900-152-01

**ROADWAY PLAN**

SHEET NO.	34
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2/10/2014 9:10:32 AM F:\2013OFFICE\FINAL SRS 15151\42919015201\33adwby\planr016.dgn



DATE		DESCRIPTION		REVIEWS		R.J. Behar & Company, Inc. Engineers & Planners 5841 S.W. 104 AVENUE, SUITE 300 MIAMI, FLORIDA 33156 JAMES L. BEHAR, P.E., LICENSE NO. 443254 CERTIFICATE OF AUTHORIZATION NO. 0000895		STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ROAD NO. 5 COUNTY MIAMI-DADP FINANCIAL PROJECT ID 4239901-52-01		ROADWAY PLAN 9 10 24 AM 2/10/2024 210702614 210702614		SHEET NO. 35	
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